



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,222	12/28/2001	Richard S. Chernock	YOR920010442US1	9082

7590 05/03/2006  
Ryan, Mason & Lewis, LLP  
90 Forest Avenue  
Locust Valley, NY 11560

EXAMINER
----------

HOSSAIN, FARZANA E

ART UNIT	PAPER NUMBER
----------	--------------

2623

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/034,222	CHERNOCK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Farzana E. Hossain	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2-11-02</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 41 is objected to because of the following informalities: Line 5 recites, "creating interactive content, said additional content". The Office suggests the following correction --creating interactive content, said interactive content--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 49 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

"An article of manufacture...."the article comprising a machine readable medium containing one or more programs which when executed implement the steps of," do not recite computer components and do not define a structural or functional interrelationship between the computer program and a computer. A machine is not necessarily a computer and a machine-readable medium is not necessarily a computer readable medium. Therefore, Claim 49 is not statutory.

The Office suggests, "An article of manufacture...."the article comprising a computer readable medium containing one or more computer programs executed by a computer implement the steps of ...."

Or

“An article of manufacture....”the article comprising a computer readable medium containing one or more computer programs when executed implements the steps of ....”

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3, 4, 17, 34, 35, 49 are rejected under 35 U.S.C. 102(b) as being anticipated by Gerba et al (US 5,931,908 and hereafter referred to as “Gerba”).

Regarding Claim 1, Gerba discloses an apparatus (Figure 1, 2) for controlling interactive television offerings over a transaction-enabled (Column 1, lines 34-43, Column 9, lines 11-27) broadcast network (Figure 1, 30, 32), the apparatus comprising:

at least one processor (Figure 1, 12) operative to: (i) receive broadcast content or programming from a content source or remote location(Figure 1, 4); (ii) process the broadcast content (Figure 1, 12, Column 7, lines 11-65); (iii) transmit the processed broadcast content over the network (Figure 1, 22) to a viewer or set top box (STB)

(Figure 2, 34); (iv) receive request data or upstream communications over the network from the viewer (Figure 1, 24, Column 9, lines 11-27); and (v) process the request data, wherein the processor is further operative as a central point of control for the request data (Figure 1, 12, Column 9, lines 11-27) or interactive content contained within the broadcast content (Figure 1, 12, Column 9, lines 11-27); and

memory (Figure 1, 14, 16, 18, 20), operatively coupled to the processor (Figure 1, 12), for storing at least a portion of data related to least one of the receiving, transmitting and processing steps such as the received program is processed with received synchronization data, interface data and overlay sets which are stored in the memory (Figures 1, 2, 3a: 215, Column 9, lines 51-55) or storing the processed program (Figure 1, 20) or storing transaction data in the databases (Figure 1, 26).

Regarding Claim 34, Gerba discloses a system for conducting e-commerce (Column 1, lines 34-43) over a transaction-enabled broadcast network (Figure 1, 2, 32), the system comprising: a broadcast receiving device (Figure 2, 34) operatively coupled to the network (Figure 1, 36) and configurable to enable a viewer to interact with an interactive broadcast (Figure 1, 48, 40, Column 9, lines 11-27); and a local network operator operatively coupled to the network (Column 5, lines 5-15), the network operator comprising a controller or processing unit (Figure 1, 12), the controller operatively configurable to selectively modify or enable the interactive content (Column 7, lines 11-65).

Regarding Claim 35, Gerba discloses a system for conducting e-commerce (Column 1, lines 34-43) over a transaction-enabled broadcast network (Figure 1, 2, 32),

Art Unit: 2623

the system comprising: a broadcast receiving device (Figure 2, 34) operatively coupled to the network (Figure 1, 36) and configurable to enable a viewer to interact with an interactive broadcast (Figure 1, 48, 40, Column 9, lines 11-27); and a local network operator operatively coupled to the network (Column 5, lines 5-15), the network operator comprising a controller or processing unit (Figure 1, 12), the controller operatively configurable to add interactive content to non-interactive broadcast content (Column 7, lines 11-56).

Regarding Claim 49, Gerba discloses an article of manufacture (Figure 1, 2, 12) for coordinating interactive television offerings over a transaction-enabled (Column 1, lines 34-43, Column 9, lines 11-27) broadcast network (Figure 1, 30, 32), the article comprising a computer/machine readable medium containing one or more programs executing (Column 3, lines 64-67, Column 4, lines 1-7) the steps of: receiving broadcast content or programming from a content source or remote location (Figure 1, 4); processing the broadcast content (Figure 1, 12, Column 7, lines 11-65); transmitting the processed broadcast content over the network (Figure 1, 22) to a viewer or set top box (STB) (Figure 2, 34); receiving request data or transaction data over the network from the viewer, the data being transmitted by the viewer in response to the processed broadcast content (Figure 1, 24, Column 9, lines 11-27); and processing the request data (Figure 1, 12, Column 9, lines 11-27).

Regarding Claim 3, Gerba discloses all the limitations of Claim 1. Gerba discloses broadcast content from broadcast source comprises program content (Column 6, lines 62-67).

Regarding Claim 4, Gerba discloses all the limitations of Claim 1. Gerba discloses processor is further operative to add interactive content to the broadcast content (Figure 1, 12, 14, 16, 18, Column 9, lines 11-15).

Regarding Claim 17, Gerba discloses all the limitations of Claim 1. Gerba discloses the request data comprises a World Wide Web site and the processor is further operative to redirect the website (Column 9, lines 7-15) via the internet server (Figure 1, 28). A World Wide Web site inherently comprises a universal resource locator (URL).

6. Claims 41, 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Carver et al (US 2004/0015986 and hereafter referred to as "Carver").

Regarding Claim 41, Carver discloses a method of conducting e-commerce (Page 2, paragraph 0043, Pages 6-7, paragraph 0086, Pages 8-9, paragraph 0109) over a transaction-enabled broadcast network (Figure 1, 18, Figure 2, Figure 15); the method comprising: creating an advertisement comprising non interactive content or the origin of the content or advertisement is at the source system (Figure 1, 12, Page 3, paragraph 0050), the advertisement being broadcast over the network (Figure 1, 18, Figure 15); and creating interactive content or creating additional data at the source system (Page 2, paragraph 0042, Page 3, paragraph 0050, Figure 1, 12); the interactive/additional content being selectively integrate with the non interactive content or the Interactive Advertising Service (IAS) enhance the advertisement or non interactive content (Page 7, paragraphs 0097, 0098, Pages 8-9, paragraph 0105, 109)

according to a predetermined schedule or a specific time or placement schedules (Page 8, paragraph 0100), wherein the enhancing or integration is conducted selectively or based on user information (Page 8, paragraphs 0101, 0103, 0106, 0107) or advertiser agreement (Page 8, paragraph 0100, 0107).

Regarding Claim 42, Carver discloses all the limitations of Claim 41. Carver discloses integrated content is selectively integrated (Page 8, paragraphs 0100, 0101, 0103, 0106) using a controller or IAS (Figure 15, 60).

7. Claims 46-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Tomsen (US 2002/0016965).

Regarding Claim 46, Tomsen discloses a method of conducting e-commerce over a transaction-enabled broadcast network (Figure 1, 100, 134, Figure 2, 200, 108, 134); the method comprising: creating broadcast content or programming transmitted to subscribers (Page 2, paragraph 0016) comprising conventional content such as the television program and interactive advertising content (Page 2, paragraph 0022) for broadcast over the network (Page 2, paragraph 0022) and selectively broadcasting the interactive content by way of a head-end according to a pre-specified agreement or a participating merchant list or agreement which the head-end can provide product supplemental information or interactive content to the viewer (Page 3, paragraph 0023). The head-end has a block list filter (Page 3, paragraph 0023) which is maintained by the provider or cable system operator, which reads on the provider or head-end including a



controller that selectively broadcasts interactive content (Page 3, paragraphs 0023-0025).

Regarding Claim 47, Tomsen discloses all the limitations of Claim 46. Tomsen discloses that the agreement is made between a merchant or advertiser and network operator or provider (Page 3, paragraph 0023-0025).

Regarding Claim 48, Tomsen discloses a method of conducting e-commerce over a transaction-enabled broadcast network (Figure 1, 100, 134, Figure 2, 200, 108, 134); the method comprising: creating broadcast content or programming transmitted to subscribers (Page 2, paragraph 0016) comprising conventional or advertising without interactive content (non participating merchants) (Page 3, paragraph 0023) and interactive advertising content (Page 2, paragraph 0022); broadcasting the broadcast content over the network (Page 2, paragraph 0022); and receiving request data or transaction data over the network from a viewer (Page 3, paragraph 0026, Page 4, paragraph 0035), the request data being transmitted by the viewer in response to the broadcast content; and routing the request data to a local server for fulfillment (Page 4, paragraph 0035).

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerba in view of Carver.

Regarding Claim 2, Gerba discloses all the limitations of Claim 1. Gerba is silent on advertising content. Carver discloses a apparatus (Figure 1, 16) with a broadcast content source (Figure 1, 12) and a processor in the content delivery system conducting interactive television offerings (Page 2, paragraph 0043, Pages 6-7, paragraph 0086, Pages 8-9, paragraph 0109) over a transaction-enabled broadcast network (Figure 1, 18, Figure 2, Figure 15); the apparatus or content handling and server delivery system (Figure 1, 16, Figure 15, 16) comprises a processor or IAS (Figure 1, 38, Figure 15, 52, 60) which receives broadcast content (Page 2, paragraph 0042, Page 7, paragraph 0097), wherein the broadcast content from a source comprises advertising content (Page 7, paragraph 0091). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerba to include broadcast content from a source comprises advertising content (Page 7, paragraph 0091) as taught by Carver as advertising can provide links to other content and services (Page 2, paragraph 0021) as disclosed by Carver.

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerba in view of Shoff et al (US 6,240,555 and hereafter referred to as "Shoff").

Regarding Claim 5, Gerba discloses all the limitations of Claim 4. Gerba is silent on interactive being advertising content. Shoff discloses a headend with storage for supplemental content (Figure 2, 52, Figure 4, 54). Shoff discloses a network operator at

the headend adding supplemental content to broadcast content (Column 12, lines 39-47) and the supplemental content can be advertising content including merchandise or advertisements (Column 5, lines 13-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerba to include that supplemental content can be advertising content including merchandise or advertisements (Column 5, lines 13-22) as taught by Shoff in order to provide a user with an interactive viewing experience (Column 1, lines 26-46) as disclosed by Shoff.

11. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerba in view of Shoff as applied to claim 5 above, and further in view of Barton (US 2005/0273828).

Regarding Claim 6, Gerba and Shoff disclose all the limitations of Claim 5. Shoff discloses adding supplemental interactive content in the form of text or graphics (Column 5, lines 13-22) and adding the supplemental content during programming (Column 12, lines 39-47). Gerba and Shoff are silent on end of group of commercials. Barton discloses a pod of commercials or a commercial break (Figure 5). Barton discloses that important content of the commercial are placed at the end of the group of commercials (Page 3, paragraph 0037) such as images or messages (Pages 2-3, paragraphs 0036-0037). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerba in view of Shoff to include that important content can be added to the end of a group of commercials (Pages 2-3,

paragraphs 0036-0037) as taught by Barton in order to have viewers watch more commercials (Page 1, paragraphs 0002, 0003) as disclosed by Barton.

12. Claims 7-10, 12, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerba in view of Dakss et al (US 6,944,228 and hereafter referred to as "Dakss").

Regarding Claim 7, Gerba discloses all the limitations of Claim 1. Gerba is silent on collecting and storing previously broadcast content. Dakss discloses that headend collects or retrieves data and writes or stores data that has been viewed from a previously broadcast content such as marketing data indicating which objects have been viewed or order information (Column 5, lines 44-67). It is necessarily included the headend to have a processor as the headend is performing the process of collecting and storing. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerba to include that the headend collects or retrieves data and writes or stores data that has been viewed from a previously broadcast content such as marketing data indicating which objects have been viewed or order information (Column 5, lines 44-67) as taught by Dakss in order to allow viewers to interact with material that appear on television display (Column 1, lines 28-39) as disclosed by Dakss.

Regarding Claim 8, Gerba and Dakss disclose all the limitations of Claim 7. Dakss disclose that the data is broadcasted and previously broadcasted data can be collected and written to headend database and the data can be advertising data or object data that has been viewed (Column 5, lines 43-67). Note that information

included in the original broadcast can be retrieved as requested by the viewer (Column 5, lines 62-67). Annotation data can be advertising content. (See rejections of Claims 7, 9, and 10.)

Regarding Claim 9, Gerba and Dakss disclose all the limitations of Claim 7. Dakss disclose that the data retrieved and stored can be objects viewed (Column 5, lines 60-62). Note that information included in the original broadcast can be retrieved as requested by the viewer (Column 5, lines 62-67). Annotation data is interactive content and it can be collected and stored at the database. (See rejections of Claims 7, 8, and 10.)

Regarding Claim 10, Gerba and Dakss disclose all the limitations of Claim 7. Dakss disclose that the data retrieved can be marketing data or order information or is accessible by the viewer in conducting e-commerce (Column 5, lines 60-62).

Regarding Claim 12, Gerba discloses all the limitations of Claim 1. Gerba is silent on broadcast content from broadcast content source comprises interactive content. Dakss discloses a broadcast content source or authoring tool (Figure 1, 24), which a designer at the authoring tool annotates a video broadcast with objects in a television program (Column 4, lines 43-60). The annotations or interactive content can allow viewers to perform transactions such as requesting services or buying a shirt (Column 8, lines 47-67, Column 9, lines 1-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerba to include broadcast content from a source comprises interactive content (Column 4, lines 43-60, Figure 1, 24) as taught by Dakss in order to allow viewers to interact with

Art Unit: 2623

material that appear on television display (Column 1, lines 28-39) as disclosed by Dakss.

Regarding Claim 32, Gerba discloses all the limitations of Claim 1. Gerba is silent on ship to address of the viewer. Dakss discloses a broadcast content source or authoring tool (Figure 1, 24), which a designer at the authoring tool annotates a video broadcast with objects in a television program (Column 4, lines 43-60). The annotations or interactive content can allow viewers to perform transactions such as requesting services or buying a shirt (Column 8, lines 47-67, Column 9, lines 1-10). Dakss discloses the user can set up an account with a broadcaster including a home address or delivery information (Column 10, lines 10-13). The broadcaster or headend would necessarily include a processor, which can process data for transactions and to store the address as the information is accessed. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerba to include broadcaster storing a home address or delivery information (Column 10, lines 10-13) as taught by Dakss in order to allow viewers to interact with material that appear on television display (Column 1, lines 28-39) as disclosed by Dakss and to allow a convenient way to shop.

13. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerba in view of Kay et al (US 6,711,552 and hereafter referred to as "Kay").

Regarding Claim 11, Gerba discloses all the limitations of Claim 4. Gerba is silent on the added interactive content specifies local purchasing information. Kay

discloses a commerce trans point (CTP) with a head end server and commerce application server (CAS) which supplies programming to TV users and can select products for purchase based on programs or channels being watched (Column 3, lines 57-67, Column 4, lines 1-2). Kay discloses that added interactive content including local purchasing information or price of product and tax (Figure 5c). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerba to include that added interactive content specifies local purchasing information (Figure 5c) as taught by Kay in order to obtain product information that relate to programming (Column 2, lines 48-63) as disclosed by Kay.

14. Claims 13, 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerba in view of Dakss as applied to claim 12 above, and further in view of Carver.

Regarding Claim 13, Gerba and Dakss disclose all the limitations of Claim 12. Dakss disclose broadcast content comprises interactive content. Gerba and Dakss are silent on processor operative to modify the interactive content. Carver discloses the processor receiving interactive content (Figure 15, 60). Carver discloses the processor or IAS is operative to modify the interactive content such as replacing segments in the ads or modify the structure of the content (Page 8, paragraphs 0105-0106). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerba in view of Dakss to include processor operative to modify the interactive content (Page 8, paragraphs 0105-0106) as taught by Carver as

advertising can provide links to other content and services for the user (Page 2, paragraph 0021) as disclosed by Carver.

Regarding Claim 15, Gerba, Dakss and Carver disclose all the limitations of Claim 13. Carver discloses the services or processors have service manager (Page 4, paragraph 0063). IAS is also a service, which should include a service manager as it is processing and delivering service to the users, thus the service manager is performing modifications.

Regarding Claim 16, Gerba and Dakss disclose all the limitations of Claim 12. Gerba and Dakss are silent on processor operative to the enabling or disabling interactive content from the source. Carver discloses the processor receiving interactive content from the source (Figure 15, 60). Carver discloses the processor or IAS is operative to modify the interactive content such as replacing segments in the ads or modify the structure of the content (Page 8, paragraphs 0105-0106), which reads on disabling interactive content by replacing older ads and modifying particular ads and enabling newer ads and also by using user preference to modify the content (Page 8, paragraphs 01013-0106). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerba in view of Dakss to include processor operative to enable or disable the interactive content (Page 8, paragraphs 01013-0106) as taught by Carver as advertising can provide links to other content and services for the user (Page 2, paragraph 0021) as disclosed by Carver.



15. Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerba in view of Dakss and Carver as applied to claim 13 above, and further in view of Bruckner et al (US 2005/0015796 and hereafter referred to as "Bruckner").

Regarding Claim 14, Gerba, Dakss and Carver disclose all the limitations of Claim 13. Gerba, Dakss and Carver are silent on an advertiser performing a modification on the interactive content. Bruckner discloses a system with server comprises processors (Page 3 paragraph 0031), which allows a program to be combined with interactive content (Page 3, paragraph 0032). Bruckner discloses an advertiser performing a modification on the interactive content (Page 6, paragraph 0064). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerba in view of Dakss and Carver to include an advertiser performing a modification on the interactive content (Page 6, paragraph 0064) as taught by Bruckner in order to provide the most up to date interactive information.

16. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerba in view of Kenner et al (US 6,421,726 and hereafter referred to as "Kenner").

Regarding Claim 18, Gerba discloses all the limitations of Claim 17. Gerba is silent on redirecting a URL further comprises reducing network congestion. Kenner discloses a user is requesting web content from sites located in and around the Internet (Column 5, lines 63-65, Column 8, lines 19-43). Kenner discloses that each individual user is routed to a delivery site that provides improved performance, which reduces

network congestion (Column 6, lines 12-19). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerba to include each individual user is routed to a delivery site that provides improved performance which reduces network congestion (Column 6, lines 12-19) as taught by Kay in order to improve the delivery of web content so as not to have major delays (Column 4, lines 15-30) as disclosed by Kenner.

17. Claims 19, 36, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerba in view of Tomsen.

Regarding Claims 19 and 36, Gerba discloses all the limitations of Claims 17 and 35 respectively. Gerba discloses a controller or processor is operative to route request data from the viewer in response to interactive broadcast to the Internet (Figure 1, 28). Gerba is silent on routing to server for fulfillment. Tomsen discloses a method of conducting e-commerce over a transaction-enabled broadcast network (Figure 1, 100, 134, Figure 2, 200, 108, 134); the method comprising: a broadcast receiving device (Figure 1, 152, Figure 2, 152) interacting with broadcast content to a provider receiving request data or transaction data over the network from a viewer (Page 3, paragraph 0026, Page 4, paragraph 0035), the request data being transmitted by the viewer in response to the broadcast content; and routing the request data to a local server for fulfillment (Page 4, paragraph 0035). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerba to include the request data being transmitted by the viewer in response to the broadcast content;

and routing the request data to a local server for fulfillment (Page 4, paragraph 0035) via the network (Figure 1, 134, Figure 2, 134) as taught by Tomsen in order to allow a user to shop while watching television without the potential of losing interest (Page 1, paragraphs 0003-0004) as disclosed by Tomsen.

Regarding Claim 37, Gerba and Tomsen disclose all the limitations of Claim 36. Tomsen discloses the server is a local server (Figure 1, 122).

18. Claims 20, 22, 23, 25, 26, 28-31 is rejected under 35 U.S.C. 103(a) as being unpatentable Gerba in view of Daly et al (US 5,878,141 and hereafter referred to as "Daly").

Regarding Claim 20, Gerba discloses all the limitations of Claim 1. Gerba discloses purchasing items based on programming (Column 1, lines 21-44). Gerba discloses a transaction database (Figure 1, 26) but is silent on the data stored is based on commerce conducted by the viewer over the network. Daly discloses a broadcast receiving device (Figure 3, 46(1-m) operatively coupled to the network (Figure 3, 52, 54) and configurable to enable a viewer to interact with the broadcast (Figure 6, 208). Daly discloses a local network operator (Column 14, lines 23-25) operatively coupled to the network (Figure 4, 65, 42), comprising a controller (Figure 1, 74, Column 10, lines 60-63), the controller or purchasing is connected to a subscriber subsystem which includes data about the subscriber including financial information. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerba to include a subscriber subsystem which includes data about the subscriber

including financial information (Figures 4-7) as taught by Daly in order to allow a consumer to electronically pay for goods and services (Column 2, lines 40-42, 53-55) as disclosed by Daly.

Regarding Claim 22, Gerba and Daly disclose all the limitations of Claim 20. Daly discloses data based on commerce conducted by the viewer over the network is collected from a broadcast receiving device of the viewer (Figure 4, 84, 74, Figure 6, 212).

Regarding Claim 23, Gerba and Daly disclose all the limitations of Claim 22. Daly discloses broadcast receiving device comprises a set top box (Figure 3, 46(1-m), Figure 4, 46(1)).

Regarding claim 25, Gerba and Daly disclose all the limitations of Claim 20. Daly discloses that the stored data is accessible to a viewer over the network as the viewer must access the account in order to purchase items (Column 8, lines 63-67, Figure 6, Figure 7).

Regarding claim 26, Gerba and Daly disclose all the limitations of Claim 20. Daly discloses that the stored data is accessible to a network operator as a network operator of the head end is part of the commerce transaction and billing of the transaction (Column 14, lines 23-25).

Regarding Claim 28, Gerba disclose all the limitations of Claim 1. Gerba is silent on a personal identification number (PIN). Daly discloses a system where a viewer can communicate with the headend to request goods and services (Figures 1-5). Daly discloses the processor or purchasing system is operative to associate a personal

identification number or password with a viewer (Column 8, lines 63-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerba to include a associate a personal identification number or password with a viewer (Column 8, lines 63-67) as taught by Daly in order to allow a consumer to electronically pay for goods and services (Column 2, lines 40-42, 53-55) as disclosed by Daly.

Regarding Claim 29, Gerba and Daly disclose all the limitations of Claim 28. Daly discloses a unique personal identification number associated with an individual viewer or purchaser or each viewer or person is registered (Column 6, lines 3-24, Column 8, lines 63-67).

Regarding Claim 30, Gerba and Daly disclose all the limitations of Claim 28. Daly discloses a unique personal identification number associated with a broadcast receiving device or family who uses a set top box (Column 6, lines 3-24, Column 8, lines 63-67).

Regarding Claim 31, Gerba discloses all the limitations of Claim 1. Gerba discloses purchasing items based on programming (Column 1, lines 21-44). Gerba is silent on securely storing credit card information of the viewer. Daly discloses a broadcast receiving device (Figure 3, 46(1-m) operatively coupled to the network (Figure 3, 52, 54) and configurable to enable a viewer to interact with the broadcast (Figure 6, 208). Daly disclosed storing credit card system at the head server via the billing system and accounting system (Column 14, lines 4-10). Daly discloses that the purchase transaction needs a digital signature or certify authority (Column 14, liners 11-

Art Unit: 2623

25) to perform transactions so that fraudulent transactions do not occur (Column 16, lines 33-45), which reads on securely storing the credit card account information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerba to include credit card information is securely stored (Column 14, lines 4-25, Column 16, lines 33-45) as taught by Daly in order to allow a consumer to electronically pay for goods and services (Column 2, lines 40-42, 53-55) and to prevent fraudulent transactions (Column 15, lines 37-39) as disclosed by Daly.

19. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerba in view of Daly as applied to claim 20 above, and further in view of Tomsen.

Regarding Claim 21, Gerba and Daly disclose all the limitations of Claim 20. Gerba discloses purchasing items based on programming (Column 1, lines 21-44). Gerba discloses a transaction database (Figure 1, 26). Daly discloses the controller or purchasing system being operatively configurable to determine the user's spending allowance from determining purchase requests which include the product and total purchase amount (Figure 6 and Figure 7) and the purchasing system is also connected to the subscriber subsystem which includes data about the subscriber including financial information. Daly discloses the purchasing system determines from the purchase request details such as product and total price (Figure 6, 210). Daly discloses that subscriber database with personal account information about the subscriber (Column 10, lines 65-67) and has an index of information about each subscriber that might

correspond to financial information about the purchase (Column 12, lines 19-24). Daly discloses explicitly discloses an index. Daly does not explicitly disclose that the controller tabulates or listing the purchase transactions or commerce transactions. Gerba is silent on tabulations of transactions.

Tomsen discloses a broadcast receiving device (Figure 1, 152, 2, 156 operatively coupled to the network (Figure 1, 134, Figure 2, 134) and configurable to enable a viewer to interact with the broadcast (Figure 4, Figure 5). Tomsen discloses a family safe, which displays a listing or tabulation of completed transactions, pending transaction. Tomsen discloses the family safe can be accessed from any suitable location (Pages 4-5, paragraph 0043).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerba in view of Daly to include a table of purchasing history or commerce transactions occurring over the network (Figure 7, Page 4, paragraphs 0040, 0043) as taught by Tomsen in order to allow a user more convenience while shopping (Page 4, paragraph 0040-0042) as disclosed by Tomsen.

20. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerba in view of Daly as applied to claim 20 above, and further in view Grauch et al (US 2005/0235318 and hereafter referred to as "Grauch").

Regarding Claim 24, Gerba and Daly disclose all the limitations of Claim 20. Gerba discloses purchasing items based on programming (Column 1, lines 21-44). Gerba discloses a transaction database (Figure 1, 26). Daly discloses the controller or

purchasing system, which via the purchase mediator retrieves data based on commerce conducted by a viewer (Figure 4, Figure 5). Gerba and Daly are silent on collect data from the viewer during a period of low network load. Grauch discloses a system that retrieves or collects data from the set top box in which data is buffered at the set top box so that network traffic is not overloaded (Figure 1, Page 8, paragraph 0065-0066). Grauch discloses that the network management controller manages traffic over the network (Figure 4A, Figure 4B, Page 11, paragraph 0081). Grauch discloses that uploads will occur at a time when there is less burden on the network (Page 9, paragraph 0070). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerba in view of Daly collect data from the viewer during a period of low network load (Page 9, paragraph 0070) as taught by Grauch in order to monitor viewer's viewing habits (Page 1, paragraph 0005) as disclosed by Grauch.

21. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerba in view of Daly as applied to claim 20 above, and further in view Landesmann (US 2002/0053076).

Regarding Claim 27, Gerba and Daly disclose all the limitations of Claim 20. Daly discloses stored data about viewers and purchases are located in the subscriber subsystem at the headend (Figure 4). Gerba and Daly are silent on an advertiser accessing stored data. Landesmann discloses a database in which purchase behavior of a buyer is stored in a database (Figure 1, 15). Landesmann discloses that



advertisers search for criteria in the database of past histories in order to track purchases (Page 6, paragraph 0110). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerba in view of Daly to include an advertiser accessing stored data (Page 6, paragraph 0110) as taught by Landesmann in order to target customers with promotions or advertisements (Page 1, paragraphs 0003-0005, 007) as disclosed by Landesmann.

22. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff in view of Daly and Tomsen.

Regarding Claim 33, Shoff discloses a system for conducting e-commerce (Column 12, lines 7-23) over a transaction-enabled broadcast network (Figure 2, 32, Figure 4, 74), the system comprising: a broadcast receiving device (Figure 2, 26, Figure 4, 68) operatively coupled to the network Figure 2, 32, Figure 4, 74) and configurable to enable a viewer to interact with an interactive broadcast (Figures 8a-8c); an author or network operator who is operatively who can process a program or broadcast content to create interactive broadcast content (Figure 9) or broadcast programming with supplemental content such as merchandise or product information (Column 12, lines 7-23). Shoff is silent on the author or operator comprising a controller and the controller configurable to tabulate transactions occurring over the network.

Daly discloses a broadcast receiving device (Figure 3, 46(1-m) operatively coupled to the network (Figure 3, 52, 54) and configurable to enable a viewer to interact with the broadcast (Figure 6, 208). Daly discloses a local network operator (Column

14, lines 23-25) operatively coupled to the network (Figure 4, 65, 42), comprising a controller (Figure 1, 74, Column 10, lines 60-63), the controller or purchasing system being operatively configurable to determine the user's spending allowance from determining purchase requests which include the product and total purchase amount (Figure 6 and Figure 7) and the purchasing system is also connected to a subscriber subsystem which includes data about the subscriber including financial information. Daly discloses the purchasing system determines from the purchase request details such as product and total price (Figure 6, 210). Daly discloses that subscriber database with personal account information about the subscriber (Column 10, lines 65-67) and has an index of information about each subscriber that might correspond to financial information about the purchase (Column 12, lines 19-24). Daly discloses explicitly discloses an index. Daly does not explicitly disclose that the controller tabulates or listing the purchase transactions or commerce transactions.

Tomsen discloses a broadcast receiving device (Figure 1, 152, 2, 156 operatively coupled to the network (Figure 1, 134, Figure 2, 134) and configurable to enable a viewer to interact with the broadcast (Figure 4, Figure 5). Tomsen discloses a family safe, which displays a listing or tabulation of completed transactions, pending transaction. Tomsen discloses the family safe can be accessed from any suitable location (Pages 4-5, paragraph 0043).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shoff to include the controller being operatively configurable to determine purchasing information occurring over the network (Figures 4-

7) as taught by Daly in order to allow a consumer to electronically pay for goods and services (Column 2, lines 40-42, 53-55) as disclosed by Daly. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shoff to include a tabulation commerce transactions occurring over the network (Figure 7, Page 4, paragraphs 0040, 0043) as taught by Tomsen in order to allow a user more convenience while shopping (Page 4, paragraph 0040-0042) as disclosed by Tomsen.

23. Claims 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerba in view of Freeman et al (US 2002/0188943 and hereafter referred to as "Freeman").

Regarding claim 38, Gerba discloses all the limitations of Claim 35. Gerba is silent on the broadcast receiving device is operative to filter interactive streams. Freeman discloses a system which broadcast content comprises multiple interactive content streams including alternative video options such as different video streams (Page 3, paragraph 0051 or audio streams (Page 4, paragraph 0053). Gerba disclose a broadcast receiving device or interactive digital box, which receives the broadcast content and multiple interactive streams (Page 4, paragraph 0062), wherein the streams are filtered out via the receiving device (Page 5, paragraph 0087, Page 9, paragraph 0132). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerba broadcast receiving device or interactive digital box, which receives the broadcast content and multiple interactive streams (Page

4, paragraph 0062), wherein the streams are filtered out via the receiving device (Page 5, paragraph 0087, Page 9, paragraph 0132) as taught by Freeman in order to allow a user to receive personalized programming (Page 1, paragraph 0007) as disclosed by Freeman.

Regarding Claim 39, Gerba and Freeman disclose all the limitations of Claim 38. Freeman discloses that the filtering of streams can be based on user selections/responses or profile (Page 5, paragraph 0087, Page 9, paragraph 0132).

24. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff) in view of Daly.

Regarding Claim 40, Shoff discloses a system for conducting e-commerce (Column 12, lines 7-23) over a transaction-enabled broadcast network (Figure 2, 32, Figure 4, 74), the system comprising: a broadcast receiving device (Figure 2, 26, Figure 4, 68) operatively coupled to the network Figure 2, 32, Figure 4, 74) and configurable to enable a viewer to interact with an interactive broadcast (Figures 8a-8c); an author or network operator who is operatively who can process a program or broadcast content to create interactive broadcast content (Figure 9) or broadcast programming with supplemental content such as merchandise or product information (Column 12, lines 7-23). Shoff is silent on the author or operator comprising a controller and the controller configurable to tabulate transactions occurring over the network.

Daly discloses a broadcast receiving device (Figure 3, 46(1-m) operatively coupled to the network (Figure 3, 52, 54) and configurable to enable a viewer to interact

with the broadcast (Figure 6, 208). Daly discloses a local network operator (Column 14, lines 23-25) operatively coupled to the network (Figure 4, 65, 42), comprising a controller (Figure 1, 74, Column 10, lines 60-63), the controller or purchasing system being operatively configurable to determine the user's spending allowance from determining purchase requests which include the product and total purchase amount (Figure 6 and Figure 7) and the purchasing system is also connected to a subscriber subsystem which includes data about the subscriber including financial information. Daly discloses the purchasing system determines from the purchase request details such as product and total price (Figure 6, 210). Daly discloses that subscriber database with personal account information about the subscriber (Column 10, lines 65-67) and has an index of information about each subscriber that might correspond to financial information about the purchase (Column 12, lines 19-24). Daly discloses explicitly discloses an index.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shoff to include the controller being operatively configurable to tabulate or index data based on purchasing information occurring over the network (Figures 4-7, Column 12, lines 19-24) as taught by Daly in order to allow a consumer to electronically pay for goods and services (Column 2, lines 40-42, 53-55) as disclosed by Daly.

25. Claims 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carver in view of Blasko et al (US 2002/008344 and hereafter referred to as "Blasko").

Regarding Claim 43, Carver discloses all the limitations of Claim 41. Carver is silent on time slots. Blasko discloses a system with a broadcaster or headend (Figure 1, Page 2, paragraph 0027) and advertisers or sources or originators (Figure 1, Page 2, paragraph 0025). Blasko discloses that there are avails or advertisement time slots available for purchase for an advertiser (Page 2, paragraph 0025, Page 1, paragraph 0005) or a predetermined schedule of programming is allocated into avails or time slots (Page 2, paragraph 0025, Page 1, paragraph 0005, Page 4, paragraph 0045). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carver to include a predetermined schedule of programming is allocated into avails or time slots (Page 2, paragraph 0025, Page 1, paragraph 0005, Page 4, paragraph 0045) as taught by Blasko in order to expedite the time slot management process and to be able to have targeted advertising (Page 1, paragraphs 0010, 0012, 0013) as disclosed by Blasko.

Regarding Claim 44, Carver and Blasko discloses all the limitations of Claim 43. Blasko disclose an advertiser purchases the time slots from a network operator (Page 2, paragraphs 0016, 0025, 0027).

Regarding Claim 45, Carver discloses all the limitations of Claim 41. Carver discloses that integrated content is due to user preference and demographic information (Page 8, paragraph 0100, 0103, 0107). Carver is silent on integrated content is broadcast to a predetermined local market. Blasko discloses a system with a broadcaster or headend (Figure 1, Page 2, paragraph 0027) and advertisers or sources or originators (Figure 1, Page 2, paragraph 0025). Blasko discloses an advertiser or

source (Page 2, paragraph 0025, Page 1, paragraph 0005) determines the advertisement to transmit to the headend for broadcasting over the network to subscribers based on geo-demographic characteristic and network territory or geographic region (Page 3, paragraph 0034, Page 5, paragraph 0054). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carver that the headend broadcasts advertisement content to a predetermined local market ((Page 3, paragraph 0034, Page 5, paragraph 0054) as taught by Blasko in order to target advertising (Page 1, paragraphs 0010, 0013) as disclosed by Blasko.

### ***Conclusion***

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hendricks et al (US 6,201,536 and hereafter referred to as "Hendricks").

Hendricks discloses an apparatus for controlling interactive television offerings over a transaction-enabled or an agreement between a "buyer" and "seller" for goods and/or services such as video on demand (VOD), near-VOD (NVOD) or pay per view (PPV) programming (Column 9, lines 9, lines 37-38) broadcast network (Figure 1, 200, 220), the apparatus comprising: at least one processor (Figure 1, 214, 209, Figure 2, 214, Figure 3a, 214, 260, Column 11, lines 60-67, Column 12, lines 1-8) operative to: (i) receive broadcast content or programming from a content source or an operations center and local feeds (Figure 1, 214, 209 Figure 2, 214, Figure 3a, 254); (ii) process

Art Unit: 2623

the broadcast content (Column 7, lines 21-35, Figure 3a, 260); (iii) transmit the processed broadcast content over the network (Figure 1, 220) to a viewer or set top terminal (STT) (Figure 1, 210); (iv) receive request data or upstream communications over the network from the viewer (Column 10, lines 7-10, Figure 3a, 254); and (v) process the request data, wherein the processor is further operative as a central point of control for the request data (Figure 3a, 260, Column 13, lines 11-30); and memory (Figure 1, 2, 3a: 215, Figure 3a, 262), operatively coupled to the processor (Figure 3a, 262), for storing at least a portion of data related to least one of the receiving, transmitting and processing steps such as the received and processed broadcast content is stored in the file server (Figures 1, 2, 3a: 215, Column 9, lines 51-55) or storing received request data in the databases (Figure 3a, 262).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FEH  
April 28, 2006

A handwritten signature in black ink, appearing to read 'Vivek Srivastava', with a long horizontal flourish extending to the right.

VIVEK SRIVASTAVA  
PRIMARY EXAMINER